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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,475	12/18/2000	Larry J. Eshelman	US000349***	4032

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

11

Office Action Summary

Application No.

09/739,475

Applicant(s)

ESHELMAN ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

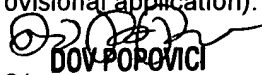
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____


DOV POROVICI
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DETAILED ACTION

Remarks

1. In response to communications filed on 14-August-2003, claim 1 has been amended to overcome the “objection for minor informalities”. No claims are cancelled and no new claims are added. Therefore, claims 1-18 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al (U.S. patent No. 6,006,227) in view of Zhang et al (U.S. patent No. 6,016,478.)

As to claim 1, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

classifying at least one of audio, video, and text input to a computer and (see column 2, lines 37-45, where “classifying” is read on “documents falling into a given category”, and see column 3, lines 13-29, where “classifying” is read on “organizing”) generating an indicator

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of an event responsively thereto (see column 1, lines 4-10, where “an indicator of an event” is read on “time indicator”, and see column 2, line 62 through column 3, line 7.)

the event being unrelated to a calendar/diary application (see column 4, lines 16-21);

Freeman et al does not teach:

prompting a user, by a calendar/diary application, to enter data relating to the event for incorporation in a historical record of events pertaining to a user;

accepting user input responsive to the step of prompting;

adding a record to a database defining the historical record including at least one of data resulting from the step of classifying and data resulting from the step of accepting.

Zhang et al teaches a scheduling system (see Abstract), in which he teaches:

prompting a user, by a calendar/diary application, to enter data relating to the event (see column 10, line 61 through column 11, line 23) for incorporation in a historical record of events pertaining to a user (see column 31, lines 14-27, where “historical record of events pertaining to a user” is read on “user’s appointments listed in the user’s calendar”);

accepting user input responsive to the step of prompting (see column 11, lines 23-28, and see column 26, lines 52-54);

adding a record to a database defining the historical record including at least one of data resulting from the step of classifying and data resulting from the step of accepting (see column 11, lines 30-32, and see column 31, lines 33-48.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al to include prompting a user, by a calendar/diary application, to enter data relating to the event for incorporation in a

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historical record of events pertaining to a user; accepting user input responsive to the step of prompting; and adding a record to a database defining the historical record including at least one of data resulting from the step of classifying and data resulting from the step of accepting.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al with the teachings of Zhang et al, because prompting a user, by a calendar/diary application, to enter data relating to the event for incorporation in a historical record of events pertaining to a user; accepting user input responsive to the step of prompting; and adding a record to a database defining the historical record including at least one of data resulting from the step of classifying and data resulting from the step of accepting, would allow the user to enter the details of the desired event, such as “participants, resources, agenda or notes, and options” as taught by Zhang et al (column 11, lines 22-23) and create a new record of the event and be able to send the created record to other users and recipients, in a schedule driven fashion.

As to claim 2, Freeman et al as modified teaches wherein the at least one of data resulting from the step of classifying (see Freeman et al, column 2, lines 37-45, where “classifying” is read on “documents falling into a given category”, and see column 3, lines 13-29, where “classifying” is read on “organizing”) and data resulting from the step of accepting (see Zhang et al, column 11, lines 23-28, and see column 26, lines 52-54) includes data resulting from the step of classifying and data resulting from the step of accepting (see Zhang et al, column 11, lines 30-32, and see column 31, lines 33-48.)

As to claim 3, Freeman et al as modified teaches wherein the event includes writing an email letter (see Freeman et al, column 11, lines 57-65.)

As to claim 4, Freeman et al as modified teaches wherein the event includes writing a letter on a text application other than the calendar/diary application (see Freeman et al, column 4, lines 2-5, and see column 11, lines 44-48.)

As to claim 6, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

accepting data towards the making of a new record in a calendar application (see column 2, line 62 through column 3, line 12.)

Freeman et al does not teach:

prompting a user for greater detail in an event defined by the record;

automatically generating a diary record responsive to a result of the steps of accepting and prompting.

Zhang et al teaches a scheduling system (see Abstract), in which he teaches:

prompting a user (see column 11, lines 21-22) for greater detail in an event defined by the record (see column 11, lines 22-25);

automatically generating a diary record (see column 6, lines 38) responsive to a result of the steps of accepting and prompting (see column 6, lines 36-46.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al to include prompting a user for greater detail in an event defined by the record; and automatically generating a diary record responsive to a result of the steps of accepting and prompting.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al with the teachings of Zhang et al, because prompting a user for greater detail in an event defined by the record; and automatically generating a diary record responsive to a result of the steps of accepting and prompting, would accurately and automatically update events with information provided by the user. For example, as taught by Zhang et al (column 6, lines 36-42), the system automatically updates the event information in the group calendar by input from various users who have accepted or declined the participation in the event, providing additional information regarding such actions to all users.

As to claim 7, Freeman et al as modified teaches wherein the step of automatically generating includes:

correlating selected user input from the step of accepting (see Zhang et al, column 6, lines 30-32) with data in an external data store (see Zhang et al, column 6, lines 36-38, where “data in external data store” is read on “the scheduling calendar”); and

generating a detailed description of a portion of the data accepted in the step of accepting responsively to the step of correlating whereby additional data from the external data is used to clarify the data accepted in the step of accepting (see Zhang et al, column 13, lines 14-26.)

As to claims 8 and 12, Freeman et al as modified teaches wherein the step of automatically generating further includes requesting and accepting a confirmation by the user of the description (see Zhang et al, column 13, lines 22-38.)

As to claims 9 and 13, Freeman et al as modified teaches wherein the external data store (see Freeman et al, column 2, lines 49-56, and see column 6, lines 45-52) is at least one of a contact data store (see Freeman et al, column 12, lines 3-11), a word processing file store (see Freeman et al, column 11, lines 45-48, where “a word processing file store” is read on “message editor”), an email data store (see Freeman et al, column 11, lines 44-45), and a calendar application (see Freeman et al, column 11, line 65 through column 12, line 2.)

As to claim 10, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

detecting one of a passage of time since an entry of a record into a diary database (see column 3, lines 2-4) and a time of day (see column 4, lines 42-43, where “time of day” is read on “present time point”, and see column 6, lines 2-7);

Freeman et al does not teach:

prompting a user to enter a diary entry responsively to the step of detecting;

accepting data to form a new record in a diary;

adding a new record responsive to a result of the step of accepting.

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Zhang et al teaches a scheduling system (see Abstract), in which he teaches: prompting a user to enter a diary entry responsively to the step of detecting; accepting data to form a new record in a diary; and adding a new record responsive to a result of the step of accepting (for these teachings, the applicant is kindly directed to discussions and remarks made in claims 1 and 6 above.)

As to claim 11, Freeman et al as modified teaches wherein the step of accepting includes: correlating selected user input responsive to the step of prompting (see Zhang et al, column 6, lines 30-32) with data in an external data store (see Zhang et al, column 6, lines 36-38, where “data in external data store” is read on “the scheduling calendar”); and automatically generating (see Freeman et al, column 4, lines 6-8, where “automatically” is read on “time-ordered sequence”) a detailed description of a portion of the data accepted in the step of accepting responsively to the step of correlating whereby additional data from the external data is used to clarify the data accepted in the step of accepting (see Zhang et al, column 13, lines 14-26.)

As to claim 14, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database (see column 2, line 62 through column 3, line 12, where “accepting data” is read on “receiving one or more of the data units”);

Freeman et al does not teach:

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extracting current events or historical data from an external data resource;
adding data resulting from the step of extracting to data resulting from the step of
accepting to the diary database.

Zhang et al teaches a scheduling system (see Abstract), in which he teaches:

extracting current events or historical data from an external data resource (see column 17, line 64 through column 18, line 8); and adding data resulting from the step of extracting to data resulting from the step of accepting to the diary database (see column 43, line 58 through column 44, line 47.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al to include extracting current events or historical data from an external data resource; and adding data resulting from the step of extracting to data resulting from the step of accepting to the diary database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al with the teachings of Zhang et al, because extracting current events or historical data from an external data resource; and adding data resulting from the step of extracting to data resulting from the step of accepting to the diary database would enable the system to combine portions of an already existing event/schedule with additional data inputted by the user to form/create a new event and/or modify an existing event for re-submission to the users.

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As to claim 15, Freeman et al as modified teaches wherein the step of adding includes accepting user input data indicative of instructions to modify the current events or historical data (see Zhang et al, column 18, lines 4-14.)

As to claim 16, Freeman et al as modified teaches wherein the step of adding includes correlating a date corresponding to the current events or historical data with a date diary data entered in the diary database (see Zhang et al, column 18, lines 1-4.)

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al (U.S. patent No. 6,006,227) in view of Zhang et al (U.S. patent No. 6,016,478), as applied to claims 1-4, and 6-16 above, and further in view of Le Blanc (U.S. Patent No. 5,977,968.)

As to claim 5, Freeman as modified teaches an event (see Freeman et al, column 4, lines 18-21.)

Freeman et al as modified does not teach wherein the event includes a change in a mood of the user.

Le Blanc teaches communication of users attitude or emotion to a computer program (see Abstract), in which he teaches wherein the event includes a change in a mood of the user (see column 2, line 66 through column 3, line 6, and see column 3, lines 31-45.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al to include wherein the event includes a change in a mood of the user.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al with the teaching of Le Blanc, because having the event including a change in a mood of the user would enable the system to take into consideration the user's state-of mind (mood), and be able to target events, articles, items to for presenting to the user according to the user's present mood.

5. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al (U.S. patent No. 6,006,227) in view Le Blanc (U.S. Patent No. 5,977,968), and further in view of Herz et al (U.S. Patent No. 6,460,036.)

As to claim 17, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

accepting user input data descriptive of personal events to be recorded in a diary database (see column 2, line 62 through column 3, line 12);

Freeman et al does not teach:

sensing and classifying states, events, or moods of a user or the user's environment.

Le Blanc teaches communication of users attitude or emotion to a computer program (see Abstract), in which he teaches sensing and classifying states, events, or moods of a user or the user's environment (see column 2, line 66 through column 3, line 6, and see column 3, lines 31-45.)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al to include sensing and classifying states, events, or moods of a user or the user's environment.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al with the teaching of Le Blanc, because sensing and classifying states, events, or moods of a user or the user's environment, would enable the system to take into consideration the user's state-of mind (mood), and be able to target events, articles, items to for presenting to the user according to the user's present mood and/or his environment.

Freeman et al as modified still does not teach:

generating an index responsive to the step of sensing;

adding the index and the user input to the diary database.

Herz teaches a system for customized electronic identifier (see Abstract), in which he teaches: generating an index responsive to the step of sensing (see column 47, lines 42-47); and adding the index and the user input to the diary database (see column 37, lines 46-52.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al as modified to include: generating an index responsive to the step of sensing; and adding the index and the user input to the diary database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al as modified, with the teaching of Herz, because generating an index responsive to the step of sensing; and adding the index and the

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user input to the diary database, would enable the system to customize entries and events based on user input, state of mind (mood) and desires.

As to claim 18, Freeman et al teaches a data medium having instructions thereon for implementing a method for generating a diary record (see Abstract, where “data medium” is read on “storing documents”, and “instructions” is read on “sophisticated logic”).

For the remaining steps of this claim, applicant is directed to the remarks and discussions made in claim 17 above.

Response to Arguments

6. Applicant's arguments filed on 14-August-2003 with respect to rejected claims 1-18 in view of the cited references have been fully considered but they are not found to be persuasive.

In response to the arguments for classifying “one of audio, video, and text input”, Freeman et al teaches categories of “pictures, sounds and/or animation” (see column 2, lines 41-43). Freeman et al teaches “text input” in “the user ability to write and electronic mail message (see column 11, lines 44-48.)

In response to the arguments for generating “an indicator of an event”, Freeman et al teaches “generating a reminder” as an electronic mail related to “an event”, e.g. a meeting, etc. (see column 11, lines 57-59.)

In response to the arguments for “event unrelated to the calendar/diary application”, Freeman et al teaches this “unrelated event” in “the user creating a new document to send an electronic mail message” using a “favorite editor” (see column 11, lines 44-48.)

In response to the arguments for “the user is not prompted to enter data relating to the event”, Freeman et al teaches “prompting the user” for “one or more mail addresses” (see column 6, lines 59-61, where “data relating to the event” is read on “mail addresses”). Further, Zhang et al teaches “prompting the user to enter the information for the event” (see column 11, lines 21-23.)

In response to the arguments on teaching or suggesting “accepting data towards the making of a new record in a calendar application”, Freeman et al teaches users setting “the viewport time to the future or past via a calendar-based dialog box” (see figures 5 and 6A, and see column 7, lines 39-43.)

In response to the arguments for “automatically generating a diary record”, Zhang et al teaches “automatically updating the scheduling calendar” (see column 6, lines 36-38.)

In response to the arguments on “detection of a passage of time”, Freeman et al teaches that the invention “keeps the document until that future time occurs. When the time of documents timepoint arrives the reminder document is brought into view and the document

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enters the present portion of the stream” (see column 6, lines 3-7). Further, Zhang et al teaches “user specified time intervals” (see column 13, lines 22-32.)

In response to the arguments regarding “motivations” to combine the references, the arguments have been fully considered but are not found to be persuasive, because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited references teach inventions that are in the same field of endeavor and the examiner is establishing the motivations in the knowledge generally available to one of ordinary skill in the art to combine the cited references as explained in the previous office action.

In response to the arguments on “historical data”, Freeman et al teaches “like a diary, a stream records evolving work, correspondence and transactions because historical context can be crucial in an organizational setting” (see column 4, lines 26-30.)

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

October 17, 2003


DOV POPOVICI
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